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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,588	04/03/2001	Mazen Chmaytelli	010042	3724
23696	7590	06/07/2005	EXAMINER	
Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714			RAMPURIA, SHARAD K	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/825,588

Applicant(s)

CHMAYTELLI ET AL.

Examiner

Sharad Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

Response to Amendment

I. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

II. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Criss et al. (US 6643506) and Elias (EP 1049006) further in view of Beatty (US 5675630).

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Regarding Claims 1-4, 10-14 Criss disclosed A method of constructing a wireless telephone (36; fig.2), comprising operations of:

Providing wireless telephone circuitry including storage (50; fig.2);

Providing processing circuitry (40; fig.2; COL.8; 3-54)

Criss fails to disclose a program of machine-readable instructions executable by the processing circuitry to perform operations to automatically uninstall one or more application programs contained in the storage responsive the telephone detecting a remote recall command. However, Elias teaches in an analogous art, that installing a recall program in the storage, the recall program comprising a program of machine-readable instructions executable by the processing circuitry to perform operations to automatically uninstall one or more application programs contained in the storage responsive the telephone detecting a remote recall command (paragraph 0059-0064 and claim 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a program of machine-readable instructions executable by the processing circuitry to perform operations to automatically uninstall one or more application programs contained in the storage responsive the telephone detecting a remote recall command in order to provide techniques for enhancing the operation of a wireless device including the automatic downloading, installation and execution of software which modifies the functionality of the device.

Additionally, the above combination doesn't expressly disclose an application programs contained in the storage responsive the telephone detecting a remote recall command. However, Beatty teaches in an analogous art, that application programs contained in the storage responsive the telephone detecting a remote recall command. (Col.7; 61-Col.8; 42) Therefore, it

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would have been obvious to one of ordinary skill in the art at the time of invention to include application programs contained in the storage responsive the telephone detecting a remote recall command in order to provide an automated method for correlating select programs and features of a cellular phone or other portable cellular communication device with individual program settings.

Regarding Claims 5-9, 15-19 Criss disclose all the particulars of the claim except automatically responsive to the recall command, the wireless telephone uninstalling the identified application program. However, Elias teaches in an analogous art, that The method of claim 4, the uninstalling operation comprising: the wireless telephone receiving a recall command via a wireless network, the recall command identifying at least one application program and containing instructions to uninstall the identified application program; automatically responsive to the recall command, the wireless telephone uninstalling the identified application program. (Paragraph 0059-0064 and claim 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include automatically responsive to the recall command, the wireless telephone uninstalling the identified application program in order to provide techniques for enhancing the operation of a wireless device including the automatic downloading, installation and execution of software which modifies the functionality of the device.

Conclusion

III. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jackson et al. teaches the user is allowed to also install his own content on the device since such content would not be included in the profiles.

Kullick et al. teaches a software program running on a computer automatically replaces itself with a newer version in a completely automated fashion, without interruption of its primary function, and in a manner that is completely transparent to the user of the computer.

Lochbaum teaches a method, apparatus, and article of manufacture for a computer implemented method of installing and deinstalling Windows.TM. application programs.

Fletcher et al. teaches a method and apparatus for automatically updating software components in one or more agents (end systems) in a network.

IV. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on Mon-Fri. (8:10-4:40).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or EBC@uspto.gov.

Sharad Rampuria
Examiner
Art Unit 2683

May 24, 2005


WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600